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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,832	12/30/2003	Nikolaos Koudas	ATT-105AUS	2786

26652 7590 09/14/2006		EXAMINER	
AT&T CORP.
ROOM 2A207
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		ART UNIT	PAPER NUMBER
		2163	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/748,832	KOUDAS ET AL.
	Examiner	Art Unit	
	Hung T. Vy	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 August 2006_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-8_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _29 December 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _4/14/04_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   In response to the response to restriction filed on 08/26/2006, claims 1-8 are pending in

this application as a result of the cancellation of claims 9-19.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 04/14/2004. The submission is

in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Specification

3.   The specification has been checked to the extent necessary to determine the presence of

possible minor errors. However, the applicant's cooperation is requested in correcting any errors

of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

As in claim 1, *a method of query path pattern matching* does not produce a useful,

concrete and tangible result as set forth in 2106 (IV)(B)(2)(b)(ii), e.g., a) *the potential ancestor*

descendant list is less than a second attribute of a current node in the potential ancestor list. (in

claim 1, line 7), b) *the current node of the potential ancestor list is less than a first attribute of*

the current node (claim 1, line 10), c) the potential descendant list is less than a second attribute

of the current node (claim 1, line 11-12), d) *the potential descendant list is equal to a level*

number plus one of the current node of the potential ancestor list (claim 1, line 13-14) are not a useful, concrete and tangible result because the form ***appending to an output join list*** is still unknown if a) *the potential ancestor descendant list is **greater than or equal to** a second attribute of a current node in the potential ancestor list.* (in claim 1, line 7), b) *the current node of the potential ancestor list **is greater than or equal** a first attribute of the current node (claim 1, line 10), c) the potential descendant list **is greater than or equal** a second attribute of the current node* (claim 1, line 11-12), d) *the potential descendant list is **unequal** to a level number plus one of the current node of the potential ancestor list* (claim 1, line 13-14). Appending to an output join list if those condition a, b, c, d above of the potential descendant list and potential ancestor list are not being available for use in the method of query path pattern matching.

As in claim 6, *a method of query path pattern matching* does not produce a useful, concrete and tangible result as set forth in 2106 (IV)(B)(2)(b)(ii), e.g., a) *the potential ancestor descendant list is less than a start position of a current node in the potential ancestor list.* (in claim 6, line 6-7), b) *the current node of the potential ancestor list is less than a start position of the potential descendants (claim 6, line 9-10), c) the potential descendant list is less than an end position of the of the current node* (claim 6, line 10-11), d) *the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list* (claim 6, line 12-13) are not a useful, concrete and tangible result because the form ***appending to an output join list*** is still unknown if a) *the potential ancestor descendant list is **greater than or equal to** a second attribute of a current node in the potential ancestor list.* (in claim 6, line 6-7), b) *the current node of the potential ancestor list **is greater than or equal** a start position of the potential descendants (claim 6, line 9-10), c) the potential descendant list **is greater than or equal** an end*

position of the of the current node (claim 6, line 10-11), d) *the potential descendant list is*

unequal to a level number plus one of the current node of the potential ancestor list (claim 6,

line 12-13). Appending to an output join list if those condition a, b, c, d above of the potential

descendant list and potential ancestor list are not being available for use in the method of query

path pattern matching.

The claims 2-5 and 7-8 depend claims 1 and 6, so claims 2-5 and 7-8 are rejected under

35 U.S.C. 101.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claims1-4, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Respect to claims 1, and 6 ,line 5 the clause *"unmatchable nodes"* renders the claim(s)

indefinite because it is not clear what are unmatchable nodes. There are no elements in claims to

compare (it should be two element to compare). What are the node unmatchable nodes.

Respect to claim 1, line 7, the clause *"the potential ancestor descendant list is less than a*

second attribute of a current node in the potential ancestor list" renders the claim(s) indefinite

because it is unclear what happen if *the potential ancestor descendant list is greater than or*

equal to a second attribute of a current node in the potential ancestor list.

Respect to claim 1, line 10, the clause *"the current node of the potential ancestor list is*

less than a first attribute of the current node " renders the claim(s) indefinite because it is

unclear what happen if *the current node of the potential ancestor list is greater than or equal a first attribute of the current node.*

Respect to claim 1, line 11-12, the clause "*the potential descendant list is less than a second attribute of the current node* " renders the claim(s) indefinite because it is unclear what happen if *the potential descendant list is greater than or equal a second attribute of the current node.*

Respect to claim 1, line 13-14, the clause "*the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list* " renders the claim(s) indefinite because it is unclear what happen if *the potential descendant list is unequal to a level number plus one of the current node of the potential ancestor list* .

Respect to claim 6, line 6-7, the clause "*the potential ancestor descendant list is less than a start position of a current node in the potential ancestor list*" renders the claim(s) indefinite because it is unclear what happen if *the potential ancestor descendant list is greater than or equal to a second attribute of a current node in the potential ancestor list.*

Respect to claim 6, line 9-10, the clause "*the current node of the potential ancestor list is less than a start position of the potential descendants* " renders the claim(s) indefinite because it is unclear what happen if *the current node of the potential ancestor list is greater than or equal a start position of the potential descendants.*

Respect to claim 6, line 10-11, the clause "*the potential descendant list is less than an end position of the of the current node* " renders the claim(s) indefinite because it is unclear what happen if *the potential descendant list is greater than or equal an end position of the of the current node.*

Respect to claim 6, line 12-13, the clause *"the potential descendant list is equal to a level number plus one of the current node of the potential ancestor list "* renders the claim(s) indefinite because it is unclear what happen if *the potential descendant list is **unequal** to a level number plus one of the current node of the potential ancestor list* .

Claims 2-5 and 7-8 depend from rejected claims 1 and 6 thereby render these dependent claims indefinite.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.
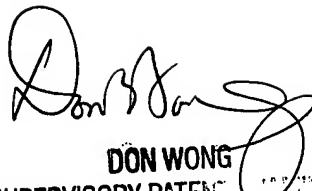
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2163

September 6, 2006.

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